

Remarks

Claims 3-13 and 16 are pending. Claims 1, 2, 14 and 15 have been canceled, Claims 3-13 have been amended and Claim 16 has been added. Applicant reserves the right to pursue the original claims and/or any canceled claims in this application and in other applications.

Applicant respectfully submits that all pending claims are in a condition for allowance based on the amendments and remarks herein.

1. Claims 3-5 Are Allowable

The Examiner stated that "Claims 3-5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims." Office Action, at page 5.

Accordingly, Applicant has amended each of Claims 3-5 to include the limitations of Claims 1 and 2, from which each of original Claims 3-5 depended. Applicant respectfully submits that amended Claims 3-5 are now in condition for allowance.

2. Claims 6-13 and 16 Are Allowable

The Examiner rejected each of Claims 6-13 as being unpatentable under either 35 U.S.C. §102(b) or 35 U.S.C. §103(a). Applicant has amended the dependency of each of Claims 6-13 to depend from Claim 3, which is allowable as indicated above. New Claim 16 also depends from Claim 3. Applicant respectfully submits that, for at least this reason, amended Claims 6-13 and 16 are now in condition for allowance.

Claim 6 was also rejected under 35 U.S.C. §112. The Examiner determined that the phrases “the inner diameter of the return tube” and “the inner diameter of the delivery tube” in lines 1-3 of the originally drafted Claim 6 lacked sufficient antecedent basis. Applicant has made an appropriate amendment to address this rejection and respectfully requests that the Examiner withdraw the §112 rejection of Claim 6.

3. Claims 1-2 and 14-15 Have Been Canceled

The Examiner rejected Claims 1-2 and 14-15 as being unpatentable under either 35 U.S.C. §102(b) or 35 U.S.C. §103(a). Applicant has canceled Claims 1-2 and 14-15, rendering the Examiner’s rejections of those claims moot.


Pursuant to the above remarks, reconsideration and allowance of all now-pending claims (Claims 3-13 and 16) are believed to be warranted. The Examiner is invited and encouraged to directly contact the undersigned if such contact may enhance the efficient prosecution of this application to issue.

ATTORNEY DOCKET NO. 11038.0002U1
Application No. 10/815,498

No fees are believed to be due; however, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-0629.

Respectfully submitted,

NEEDLE & ROSENBERG, P.C.

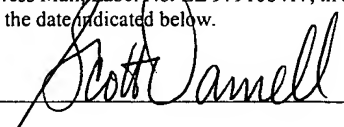


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Scott Darnell

Date

8-11-05